

1 AN ACT concerning public aid.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 12-4.4 as follows:

6 (305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)

7 Sec. 12-4.4. Administration of federally-aided programs.
8 Direct County Departments of Public Aid in the administration
9 of the federally funded food stamp program, programs to aid
10 refugees and Articles III, IV, V and VII of this Code. The
11 Illinois Department of Human Services may also, upon its own
12 motion, review any decision made by a County Department and
13 consider any application upon which a decision has not been
14 made by the County Department within 30 days. It may require
15 a County Department to transmit its files and all papers and
16 documents pertaining to any applicant or recipient.

17 Beginning July 1, 1992, or upon approval by the Food and
18 Nutrition Service of the United States Department of
19 Agriculture, the Illinois Department of Human Services shall
20 operate a Food Stamp Employment and Training (FSE&T) program
21 in compliance with federal law. The FSE&T program will have
22 an Earnfare component. The Earnfare component shall be
23 available in selected geographic areas based on criteria
24 established by the Illinois Department of Human Services by
25 rule. To the extent resources allow, the Department of Human
26 Services may, by rule, mandate participation in Earnfare for
27 designated clients to earn their food stamp assistance
28 Participants-in-Earnfare-will, to the extent resources allow,
29 earn their assistance. Participants in Earnfare may also earn
30 cash assistance. To earn cash assistance, participation in
31 the Earnfare program is voluntary, except when ordered by a

1 court of competent jurisdiction. Eligibility for Earnfare
2 may be limited to only 6 months out of any 12 consecutive
3 month period. Clients are not entitled to be placed in an
4 Earnfare slot. Earnfare slots shall be made available only
5 as resources permit. Earnfare shall be available to persons
6 receiving food stamps who meet eligibility criteria
7 established by the Illinois Department of Human Services by
8 rule. The Illinois Department may, by rule, extend the
9 Earnfare Program to clients who do not receive food stamps.
10 Receipt of food stamps is not an eligibility requirement of
11 Earnfare when a court of competent jurisdiction orders an
12 individual to participate in the Earnfare Program. To the
13 extent resources permit, the Earnfare program will allow
14 participants to engage in work-related activities to earn
15 monthly financial assistance payments and to improve
16 participants' employability in order for them to succeed in
17 obtaining employment. The Illinois Department of Human
18 Services may enter into contracts with other public agencies
19 including State agencies, with local governmental units, and
20 with not-for-profit community based organizations to carry
21 out the elements of the Program that the Department of Human
22 Services deems appropriate.

23 The Earnfare Program shall contain the following
24 elements:

25 (1) To the extent resources allow and slots exist,
26 the Illinois Department of Human Services shall refer
27 recipients of food stamp assistance who meet eligibility
28 criteria, as established by rule. Receipt of food stamps
29 is not an eligibility requirement of Earnfare when a
30 court of competent jurisdiction orders an individual to
31 participate in the Earnfare Program.

32 (2) Persons participating in Earnfare shall engage
33 in employment assigned activities equal to the amount of
34 the food stamp benefits divided by the federal minimum

1 wage and subsequently shall earn minimum wage assistance
2 for each additional hour of performance in Earnfare
3 activity. Earnfare participants shall be offered the
4 opportunity to earn up to \$154. The Department of Human
5 Services may establish a higher amount by rule provided
6 resources permit. If a court of competent jurisdiction
7 orders an individual to participate in the Earnfare
8 program, hours engaged in employment assigned activities
9 shall first be applied for a \$50 payment made to the
10 custodial parent as a support obligation. If the
11 individual receives food stamps, the individual shall
12 engage in employment assigned activities equal to the
13 amount of the food stamp benefits divided by the federal
14 minimum wage and subsequently shall earn minimum wage
15 assistance for each additional hour of performance in
16 Earnfare activity.

17 (3) To the extent appropriate slots are available,
18 the Illinois Department of Human Services shall assign
19 Earnfare participants to Earnfare activities based on an
20 assessment of the person's age, literacy, education,
21 educational achievement, job training, work experience,
22 and recent institutionalization, whenever these factors
23 are known to the Department of Human Services or to the
24 contractor and are relevant to the individual's success
25 in carrying out the assigned activities and in ultimately
26 obtaining employment.

27 (4) The Department of Human Services shall consider
28 the participant's preferences and personal employment
29 goals in making assignments to the extent
30 administratively possible and to the extent that
31 resources allow.

32 (5) The Department of Human Services may enter into
33 cooperative agreements with local governmental units
34 (which may, in turn, enter into agreements with

1 not-for-profit community based organizations): with other
2 public, including State, agencies; directly with
3 not-for-profit community based organizations, and with
4 private employers to create Earnfare activities for
5 program participants.

6 (6) To the extent resources permit, the Department
7 of Human Services shall provide the Earnfare participants
8 with the costs of transportation in looking for work and
9 in getting to and from the assigned Earnfare job site and
10 initial expenses of employment.

11 (7) All income and asset limitations of the Federal
12 Food Stamp Program will govern continued Earnfare
13 participation, except that court ordered participants
14 shall participate for 6 months unless the court orders
15 otherwise.

16 (8) Earnfare participants shall not displace or
17 substitute for regular, full time or part time employees,
18 regardless of whether or not the employee is currently
19 working, on a leave of absence or in a position or
20 similar position where a layoff has taken place or the
21 employer has terminated the employment of any regular
22 employee or otherwise reduced its workforce with the
23 effect of filling the vacancy so created with a
24 participant subsidized under this program, or is or has
25 been involved in a labor dispute between a labor
26 organization and the sponsor.

27 (9) Persons who fail to cooperate with the FSE&T
28 program shall become ineligible for food stamp assistance
29 according to Food Stamp regulations, and for Earnfare
30 participation. Failure to participate in Earnfare for
31 all of the hours assigned is not a failure to cooperate
32 unless so established by the employer pursuant to
33 Department of Human Services rules. If a person who is
34 ordered by a court of competent jurisdiction to

1 participate in the Earnfare Program fails to cooperate
2 with the Program, the person shall be referred to the
3 court for failure to comply with the court order.

4 (Source: P.A. 89-6, eff. 3-6-95; 89-21, eff. 7-1-95; 89-507,
5 eff. 7-1-97; 90-17, eff. 7-1-97.)